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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/058,215		01/29/2002	Tianbao Lu	1503.1030002/JMC/J-C	2206
23377	7590 03/11/2004			EXAMINER HABTE, KAHSAY	
		SHBURN LLP			
ONE LIBERT		CE, 46TH FLOOR	ART UNIT	PAPER NUMBER	
PHILADELP			1624	•	

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).			Application No.	Applicant(s)					
Rahsay Habte, Ph. D. 1624			10/058,215						
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. B Elements of the may be a validate under the provisions of 3 CFR 1.39(a). In so event, havever, may a reply be firrely filed and \$50 K(s) MONTHS from the maining date of this communication. Period for days by a communication of the provisions of 3 CFR 1.39(a). In so event, havever, may a reply be firrely filed and \$50 K(s) MONTHS from the maining date of this communication. If NO period to reply is specified abuse, his measures attactly period vile program and thinty (30) days will be considered bredy. If NO period to reply is specified abuse, his measures attactly period vile program and vile program of the program of the control plant from significant or reply will, by statistic, cause the application to become Alba-MONTED (50 LS C. § 415). Why reply provides the soft or standard protod for reply vill. by statistic, cause the application to become Alba-MONTED (50 LS C. § 450). Why reply provides the soft or standard protod for reply vill. by statistic, cause the application to become Alba-MONTED (50 LS C. § 450). Why reply proton or superior to communication (s) filed on 03 March 2004. 2a This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 S Claim(s) 1-11,43 and 46-65 is/are pending in the application. 4 O) the above claim(s) 51-53 is/are withdrawn from consideration. 5 S Claim(s) 1 - 41,43 and 46-65 is/are pending in the application. 5 Claim(s) 1 - 41,43 and 46-65 is/are pending in the application. 5 Claim(s) 2 - 41,43 and 46-65 is/are pending in the application. 5 Claim(s) 3 - 41,43 and 46-65 is/are pending in the application. 6 Claim(s) 3 - 41,43 and 46-65 is/are pending in the application. 7 Claim(s) 4 - 41,43 and 46-65 is/are pending		Office Action Summary	Examiner	Art Unit					
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Ex Parte Quayle

This application is in condition for allowance except for the following formal matters: the claims are contain non-elected inventions. Applicants are directed to refer to the restriction requirement (Paper No. 8) and Non-Final Office Action mailed on 9/3/2003. Applicants elected Group V naphthyridines (Formula IV, pyridine fused to piperidine). Note that the restriction requirement was made FINAL (see paragraph 2 of the Office Action mailed on 9/3/2003). Applicants are required:

- 1. To cancel the non-elected inventions (i.e. claims 51-53 that were previously withdrawn from prosecution).
- 2. To delete the non-elected subject matter from claims 1, 3, 12, 13, 14, 24, 34 and 38-39 (chemical species). For example, W = pyridine, indole, morpholine, etc. have to be canceled. Note that <u>only</u> the 4th chemical structure at the bottom of page 3 of claim 1 is the elected invention.

Prosecution on the merits is closed in accordance with the practice under *Ex* parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte, Ph. D. whose telephone number is (571) 272-0667. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on (571) 272-0674 or if there is no response within 24 hours call James Wilson on (571) 272-0661. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Kahsay Habte, Ph. D.

Examiner

Art Unit 1624

KΗ

March 9, 2004

Mark L. Berch Primary Examiner Art Unit 1624